

REMARKS/ARGUMENTS

Claim 2 is the sole claim pending in the present application. Claim 1 is canceled. Claim 2 is amended. In view of the above amendments, Applicants respectfully submit that the present application is now in condition for allowance.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner has indicated that claim 2 would be allowable if rewritten in independent form to include the features of its base claim. In the above amendments, claim 2 has been rewritten in independent form. Thus, claim 2 is now in condition for allowance.

Acknowledgment of Information Disclosure Statement

The Examiner has acknowledged the Information Disclosure Statement (IDS) filed on April 15, 2004. An initialed copy of the PTO-1449 of this Information Disclosure Statement has been received from the Examiner.

However, the Examiner is respectfully requested to acknowledge the Information Disclosures Statement filed on July 1, 2004. An initialed copy of the corresponding PTO-1449 should be sent to the undersigned at the earliest convenience of the Examiner.

Rejection Under 35 U.S.C. § 102

Claim 1 stands rejected under 35 USC § 103(a) as being unpatentable over US Patent No. 5,602,808 to Futagawa et al. (hereinafter Futagawa). This rejection has been rendered moot, as claim 1 has been canceled above. Applicants have canceled claim 1 without disclaimer to the subject matter contained therein. Applicants respectfully reserve the right to continue prosecuting the subject matter of claim 1 by filing a Divisional application.

No Prosecution History Estoppel

According to the above amendments, claim 2 is hereby presented in independent form. Also, a minor editorial amendment was made to change "magnet" to "magnetic." It is respectfully submitted that this editorial amendment does not materially change the scope of the claim, but rather is related to a matter of form.

It is respectfully submitted that no prosecution history estoppel would apply to the interpretation of the limitations of claim 2, in view of the fact that the same subject matter has been continuously presented in this claim since the original filing date of the present application.

Conclusion

Applicants submit that, in view of the above amendments and Remarks, the present application is in condition for allowance. Accordingly, Applicants respectfully request the Examiner to issue a Notice of Allowance in connection with the present application.

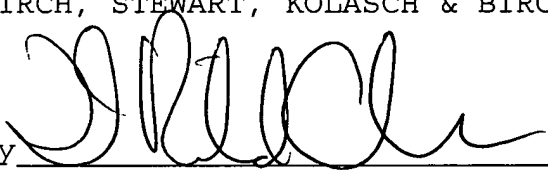
Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is encouraged to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


D. Richard Anderson, #40,439


DRA/JWR

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000